

# Exhibit Q

News never stops. Neither do we. Support [syracuse.com](https://www.syracuse.com)

Advertisement

## Politics & Elections

# Syracuse woman 'reliable' in Cuomo harassment complaint; DA explains why no charges

Updated: Jan. 31, 2022, 3:42 p.m. | Published: Jan. 31, 2022, 12:50 p.m.



FILE - New York Gov. Andrew Cuomo prepares to board a helicopter after announcing his resignation, on Aug. 10, 2021, in New York. Cuomo won't face criminal charges after a female state trooper said she felt "completely violated" by his unwanted touching at an event at the Syracuse Convention Center in 2019, a Long Island prosecutor said Thursday, Dec. 23, 2021. Acting Nassau County District Attorney Joyce Smith said in a statement that an investigation found the allegations "deeply troubling, but not criminal under New York law." (AP Photo/Seth Wenig, File) AP

NEW!

By [Douglass Dowty](mailto:ddowty@syracuse.com) | [ddowty@syracuse.com](mailto:ddowty@syracuse.com)

Syracuse, NY -- Former Gov. Andrew Cuomo will not be charged with sexually harassing a Syracuse woman during a public event in 2017, Oswego County's district attorney announced Monday.

But Virginia Limmiatis's account of Cuomo inappropriately touching her breasts through a shirt was "reasonable and reliable," and there is no reason to doubt her "character or credibility," DA Gregory Oakes added.

The Oswego County probe was the last of five criminal investigations statewide to arise from the former governor's sexual harassment scandal.

The Oswego County DA said Monday he did not question Limmiatis's motives in making a complaint against the former governor after their interaction at a May 2017 event in Oswego County to mark the state's acquisition of land formerly owned by National Grid, Limmiatis' employer. Oakes commended her bravery and courage.

But Oakes faulted the state's sex offense laws, which he said "fail to properly hold offenders accountable and fail to adequately protect victims."

Based on current law, there isn't enough evidence to "establish a legally sufficient case under controlling precedent," the DA said.

In response to Syracuse.com, Oakes broke down what he said were limitations of two misdemeanor crimes that his office considered in Cuomo's case:

- Forcible touching: To convict requires proof of force. Cuomo brushing the lettering on Limmiatis's shirt, grazing her chest, would not rise to that standard, Oakes told Syracuse.com.
- Third-degree sex abuse: To convict requires proof of personal sexual gratification. Oakes said there were a couple of issues in proving Cuomo's intent: "Since the act was allegedly committed in a public setting, in plain view of others, (Limmiatis), her attorney, and I agreed that it would be difficult to establish that he was motivated by his sexual desire (rather than a desire to establish dominance and/or display his authority, for instance)." Also, prosecutors would have to prove that Limmiatis did not expressly or impliedly allow the conduct. "Although Limmiatis in no way invited the alleged conduct and was understandably shocked by what occurred, I feared that Cuomo would attempt to put her on trial and argue that she did not object in the moment," Oakes said.



Oswego County DA Greg Oakes

Those limitations led Oakes to call for reforms.

"To be clear, I believe Limmiatis responded the way 99.9% of people in that position would react," he told Syracuse.com. "She did nothing wrong. Unfortunately, the current law essentially requires her to explain why she didn't do more to expressly object. The current law places an undue burden on victims in this respect."

So what would Oakes do to change the law?

In cases in which someone intentionally touches the sexual or intimate parts of a victim, the law should only require that the person did not have explicit permission and no reasonable basis to believe he or she had permission, Oakes said.

Another option, the DA said, would be to allow two theories for prosecution: either that the person acted for sexual gratification or that the person intentionally subjected the victim to sexual contact for no legitimate purpose and that no reasonable person would believe that the contact was welcomed.

Those changes would take the burden of explanation off of victims, the DA argued. And it could have changed the outcome in Cuomo's probe.

Statements on behalf of Limmiatis and Cuomo predictably took opposite views on Oakes' ruling.

Limmiatis's lawyer, Mariann Wang, argued the DA's decision doesn't mean that Cuomo was innocent or that he didn't abuse his power.

"Not every violation of law results in a criminal prosecution," Limmiatis's lawyer, Mariann Wang, wrote in response. "This decision does not mean Cuomo acted appropriately or lawfully towards Ms. Limmiatis or any of the other women who came forward, or that he didn't cause them significant harm."

But Cuomo spokesman Rich Azzopardi claimed vindication.

"This has always been a political hit job to further the Attorney General's own ambitions, which both reeks of prosecutorial misconduct and has wasted millions of taxpayer dollars," he wrote. "As we've said since the beginning, the truth will come out."

For her part, Limmiatis reiterated that Cuomo subjected her to unwanted touching.

"Cuomo not only touched my chest inappropriately, but whispered in my ear afterwards to make up a patently ridiculous excuse to cover up his behavior," Limmiatis wrote. "I immediately spoke to multiple people about what Cuomo had done to me, precisely because I was so disturbed and upset by it. At the same time, I did not report him publicly, because he was the Governor, and I was fearful of him."

Staff writer Douglass Dowty can be reached at [ddowty@syracuse.com](mailto:ddowty@syracuse.com) or 315-470-6070.

If you purchase a product or register for an account through one of the links on our site, we may receive compensation.

---



Registration on or use of this site constitutes acceptance of our [User Agreement](#), [Privacy Policy and Cookie Statement](#), and [Your California Privacy Rights](#) (User Agreement updated 1/1/21. Privacy Policy and Cookie Statement updated 7/1/2022).

[Cookies Settings](#)

© 2022 Advance Local Media LLC. All rights reserved ([About Us](#)).

The material on this site may not be reproduced, distributed, transmitted, cached or otherwise used, except with the prior written permission of Advance Local.

[Community Rules](#) apply to all content you upload or otherwise submit to this site.

[Ad Choices](#)